

WHY RAPE SURVIVORS STAY OUT OF COURT

Lessons from Paralegal Interventions



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INTRODUCTION

Despite the frequent media reports of rape in Bangladesh, research reports suggest that rape still remains the least reported crime by women, with only a small percentage of rape cases ever making it to court.¹ A UN multi-country study on male violence (which surveyed perpetrators of rape) found that in Bangladesh 95% of urban respondents and 88% of rural respondents reported facing no legal consequences for raping a woman or girl.² Additionally, data from the One Stop Crisis Centre shows that out of the 16,804 rape survivors who sought treatment between 2001 and 2013, only 3,747 took legal action, meaning 78% chose not to pursue their cases even after taking the initial step of seeking medical treatment.³ This starkly demonstrates that the vast majority of rape victims and survivors are precluded, for one reason or another, from accessing justice in Bangladesh.

However, most research studies pertaining to rape cases in Bangladesh typically begin their point of inquiry at the trial stage (i.e. after the investigation is complete and charges are framed), and pre-trial hurdles are often overlooked. It

is in this context that we wanted to identify, understand and highlight the precise obstacles faced by rape victims and survivors which work to prevent most of them from reaching the court. To this end, we decided to speak to paralegals working in the one-stop legal clinics (known as 'hubs') established inside several urban slums in Dhaka as part of the SHOKHI project. Through these hubs, paralegals would provide frontline legal services to women and girls facing violence and rights violations inside the slums and build legal awareness. The paralegals also conducted capacity building programmes to train young women as 'change-makers' who would act as first responders to violence against women and girls in their communities.

In conducting the research for this report, we purposefully chose those cases where our paralegals faced overwhelming odds in providing legal assistance and therefore were unable to bring the matter to court in most cases. Thus it is important to bear in mind that paralegals have in general played a cardinal role in bringing hundreds of rape cases to court, which would otherwise

- 1 Naomi, S. S., "The Legal Challenges on the Way to Judicial Remedy in Rape Cases: The Role of Human Rights and Legal Services Programme of BRAC" BRAC Research Report (April, 2009), p. 5.
- 2 Fulu, E. (et. al), "Why Do Some Men Use Violence against Women and How Can We Prevent It? Quantitative Findings from the UN Multi-country Study on Men and Violence in Asia and the Pacific" United Nations (2013), p.45.
- 3 Islam, U, 'One-Stop Crisis Centre Limited to Medicare Only', Dhaka Tribune (19 June 2013).

have remained outside it. Our deliberate focus on mostly stories of failure, rather than success, is not intended in the slightest to undermine the indisputable accomplishments of paralegal intervention, but one which we hope will help readers understand why certain rape survivors were preempted from bringing their case to court in spite of legal assistance and aid being offered.

From these seven case studies, we found that the main pre-trial barriers are heavily interlinked and multi-faceted and work in tandem to keep rape survivors out of court. Firstly, there is family reluctance to take legal action due to the immense, misplaced, social stigma surrounding victims of sexual violence. Lack of awareness as to relevant legal and procedural processes on part of the rape survivors and their families further reinforces the reluctance to take action. Secondly, even when rape survivors and their families overcome the stigma and wish to take action, they may be met with violent suppression from influential community leaders, usually because the rapist is someone they want to protect. Thirdly, rape survivors may be further hindered from seeking justice due to the failure on part of law enforcement agencies to properly discharge their duties. Due to these three factors, shalish, or out of court settlements through informal community mediation, become in rape cases as they provide a convenient

alternative to litigation for all parties involved. Due to the stigma and desire to 'protect' the 'family honour', families of rape survivors wish to pursue a quick, economic and discrete remedy which does not result in much publicity. Court cases on the other hand, take years, if not decades to conclude and entail a lot of costs (even when legal aid is received) and some degree of publicity. The community leaders, even when uninterested in protecting the rapist involved, consider each incident of rape as an opportunity to make money as mediators of the shalish (since they receive a sizable portion of the settlement amount) and therefore have a clear financial interest in keeping the cases out of court. Needless to mention, the perpetrators and their families would naturally prefer having the matter solved informally and keeping the perpetrator out of prison in exchange for what is usually a small amount of money. Lastly, we also found that some women and girls face multiple and intersectional discrimination, not only on grounds of gender, but also religion, ethnicity, sexuality and/or disability. We sincerely hope that these case studies will invoke deeper reflections into the range of complex and intertwined factors which work to keep rape survivors out of court, so that we can address these challenges and work towards creating a reality where prosecuting rape becomes the norm, rather than the exception.



METHODOLOGY

These seven case studies are based primarily on Key Informant Interviews conducted with five paralegals working inside Dhaka's urban slums and informal settlements who directly provided or tried to provide legal assistance to rape survivors at hand as part of different BLAST initiatives on accessible legal services, along with a desk review of BLAST's case records. Focus Group Discussions (FGDs) were also conducted with staff lawyers at BLAST Head Office. Names of the rape survivors, their family members and alleged perpetrators have been anonymised for the purposes of maintaining confidentiality.

Research for this report was conducted in preparing for the expert consultation seminars held by BLAST on review and proposed reform of the laws on rape between July and September 2018, which ultimately led to the National Conference on Rape Law Reform on 08 December 2018.

MUNIA

Munia, aged between nine to twelve years, looked utterly lost in a busy Beribadh marketplace when Ananya, a paralegal, spotted her. Suspecting the child to be lost, Ananya approached her and offered to take her to the nearest police station to ensure her safe return to her parents or guardians. Together they boarded a rickshaw. While on the rickshaw, the child slowly began opening up to Ananya and mentioned that she has recently come to Dhaka straight from her village to be a domestic worker in a nearby apartment complex. She confessed to having escaped from the apartment and expressed deep reluctance to go back there. Between the child's incoherent murmurs, Ananya noticed that Munia was quite visibly deeply traumatised as she faced great difficulty in responding to some basic questions that were posed to her. Upon being pressed on why she did not want to return, Munia said *'Amar mama amar shathe kharap kaj kore'* ('My uncle does bad things with me'). This insinuation did not come as a total surprise to Ananya as she knew from her experience in the legal aid sector that sexual abuse of domestic workers was quite rampant in Dhaka, especially for minor girls. After arriving at the station, the on duty police officer was very cooperative with Ananya and receptive to her concerns about the child possibly being a victim of sexual violence. Ananya requested Munia to explain to the police officer what she had shared with her on the rickshaw. In spite of Ananya's best

efforts and requests, Munia found herself unable to relay her story to the police officer. Ananya requested the police officer to be slightly gentler and more patient with Munia, explaining that the child was quite deeply traumatised. Eventually, after the police officer was largely unable to extract the statement from Munia, Ananya briefed the police officer about what had happened and explained why it would be dangerous to return the girl to her workplace in Dhaka and why she should be sent directly to her parents instead.

However, within moments, the employer's family arrived at the station and put on an ostentatious display of concern towards Munia, querying where she had been and how they had been searching all over for her.

'O kothae gesila, tomake toh amra khujte khujte hoiran. Tumi na kaj korte chaile I bolba amader ke, palay jawar ki dorkar?' ('Where have you been? We have been so worried and tired looking for you! If you do not wish to work, you can just tell us, why run away?')

Farida Begum (Munia's employer) called the child's parents to scold them and scathingly asked why they had sent over a girl who did not want to work and instead has the audacity to run away. She commanded Munia's parents to come and collect their daughter at once as it was clear that she was unfit to be a domestic worker and then hung up the phone.





Turning to the police officer and Ananya, Farida candidly accepted that occasionally they would scold Munia but that was no reason for her to run away. *'Amra tomake ki kom disi? Amra tomake koto ador kori. Tao tumi ebhabe na bole palae gela, shudhu ektu bokar jonno?'* (What didn't we provide you with? We cared so much for you but you still ran away for a little scolding?). Farida's theatrics (which felt very targeted) led Ananya to suspect that she was trying to hide the real reason for Munia's escape.

Afterwards, they decided to hold a separate meeting in a closed room with the police officer and Munia by deliberately excluding the paralegal. Despite Ananya's repeated insistence on being there, the police officer did not allow her to be part of the meeting. Ananya did not know what exactly took place inside the confines of the closed room but after the meeting ended, Munia's behaviour and the police officer's attitude completely changed. Munia no longer expressed any reluctance to go back with the family and the police officer, too, became skeptical of anything Ananya had said. Ananya tried to discreetly request the police officer to speak to Munia in

private so she would have an opportunity to open up without the pressure of being in the presence of Farida and her family. However, the police officer did not seem to think this was necessary and that the matter had been resolved. Ananya then tried to convince Munia to reiterate the story but to no avail. Munia's silence coupled with the police officer's newly adopted skepticism made it appear as though Ananya alone was making making a mountain out of a molehill and concocting a story of sexual abuse. A consensus had been reached: Munia had merely run away from the house in reaction to a bit of scolding and now she would be safely returned to her parents.

Farida and her family members, were over friendly to Ananya, graciously thanked her for finding Munia and assured her that there was no reason to worry as she was now in safe hands and would be collected by her parents soon. They called a rickshaw for her and even offered to reimburse her for the rickshaw fare but Ananya politely declined. Feeling helpless and defeated, Ananya got on the rickshaw and debated whether she had done everything in her power to try and save Munia.

MARIUM

Ten year old Marium came running to her grandmother, Shahjadi, in tears and in a shaky voice to express what had just happened to her. She was on her way out of the communal bathroom when a middle aged man forced himself upon her. Shahjadi's heart sank, not only because of what her granddaughter had to endure but also because Marium, in her childish naivety, uttered the unutterable in the presence of a group other women consisting of their neighbours and fellow slum dwellers. Among these women was Jorina, an active changemaker, who immediately advised Shahjadi to visit the nearby legal aid hub. However, seeking legal aid and filing a case was the last thing on Shahjadi's mind. All she could think about was protecting her granddaughter's 'honour' and family reputation. Who would ever want to marry a poor girl from the slums who had also been raped, thought Shahjadi.

Shahjadi had made up her mind: not a word about this incident was to go outside that shanty. She pleaded the women in the room to forget what they had just heard and to not tell anybody. Simultaneously, she was preparing for Marium to be bathed immediately and for the article of clothing to be washed and stashed away at once. Jorina tried to stop Shahjadi

and kept on insisting her to at least visit the legal hub once before deciding to destroy a key piece of evidence once and for all. Upon realising that Shahjadi could not be convinced, Jorina asked a fellow changemaker to inform Nafija, the paralegal posted in the nearby legal aid hub, about the incident at once. After being notified, Nafija duly informed the police and was on her way to Shahjadi's shanty to speak to her. In the meantime, Jorina was stalling Shahjadi from bathing Marium and washing her clothes.

Nafija arrived and joined Jorina's efforts to stop Shahjadi and convince her to take legal action. Outside, word had already spread about the incident throughout the heavily packed slum.. Influential members of the community appeared and were lending support to Shahjadi's decision against taking legal action and vehemently opposed Nafija and Jorina's concerted efforts at persuasion. Both Nafija and Jorina clearly felt like they were being ganged up on and began to feel threatened. Jorina, fearing reprisals, slowly slipped out of the scene while Nafija nevertheless continued to stand her ground, even if she now had to do it all by herself.





Soon after, a police officer finally arrived at the scene and tried to quash the commotion. The community elders and Shahjadi assured the police that nothing untoward had happened and a petty incident had been needlessly and disingenuously blown out of proportion by Nafija. Nafija could hear members of the crowd murmur that *'ei NGO kormi gula amago majhe oshanti srishti korte ashche'* (these NGO workers have come here to create unrest among us). Nafija tried to explain to the police officer what had actually happened. However, the disinterested police officer made it categorically clear that if

the guardian of the alleged victim did not show any interest in filing a complaint, there was nothing he could do. When Nafija kept on persisting, the police officer slightly lost his temper and accused Nafija of pushing Shahjadi to file a complaint against her will. Shahjadi, too, took this opportunity to scold Nafija and Jorina and accused them of trying to impose their own agenda on them and asked to be left alone. As the police officer began walking away, Nafija felt that the only option she had was to walk away too.

JONAKI

Jonaki came to the legal aid hub to seek free legal advice from the paralegal, Rahima, regarding cyber harassment she had recently been facing from a man. This man had been creating fake profiles bearing Jonaki's name and pictures, posting obscene content on them and threatened to keep on doing this until Jonaki agreed to engage in a relationship with him. Jonaki wanted to know what legal action she could take to make him stop harassing her in this manner at once as her social image was at stake, something she could especially not risk harming now since her family was in the process of arranging her marriage with someone from a 'good' family. Before giving advice, Rahima wanted a factual background of the story and therefore asked Jonaki whether she had known this stalker at all or if he was a complete stranger and if so, how he had access to her photos. After a few vague and evasive answers, Jonaki finally admitted that the man was not a total stranger.

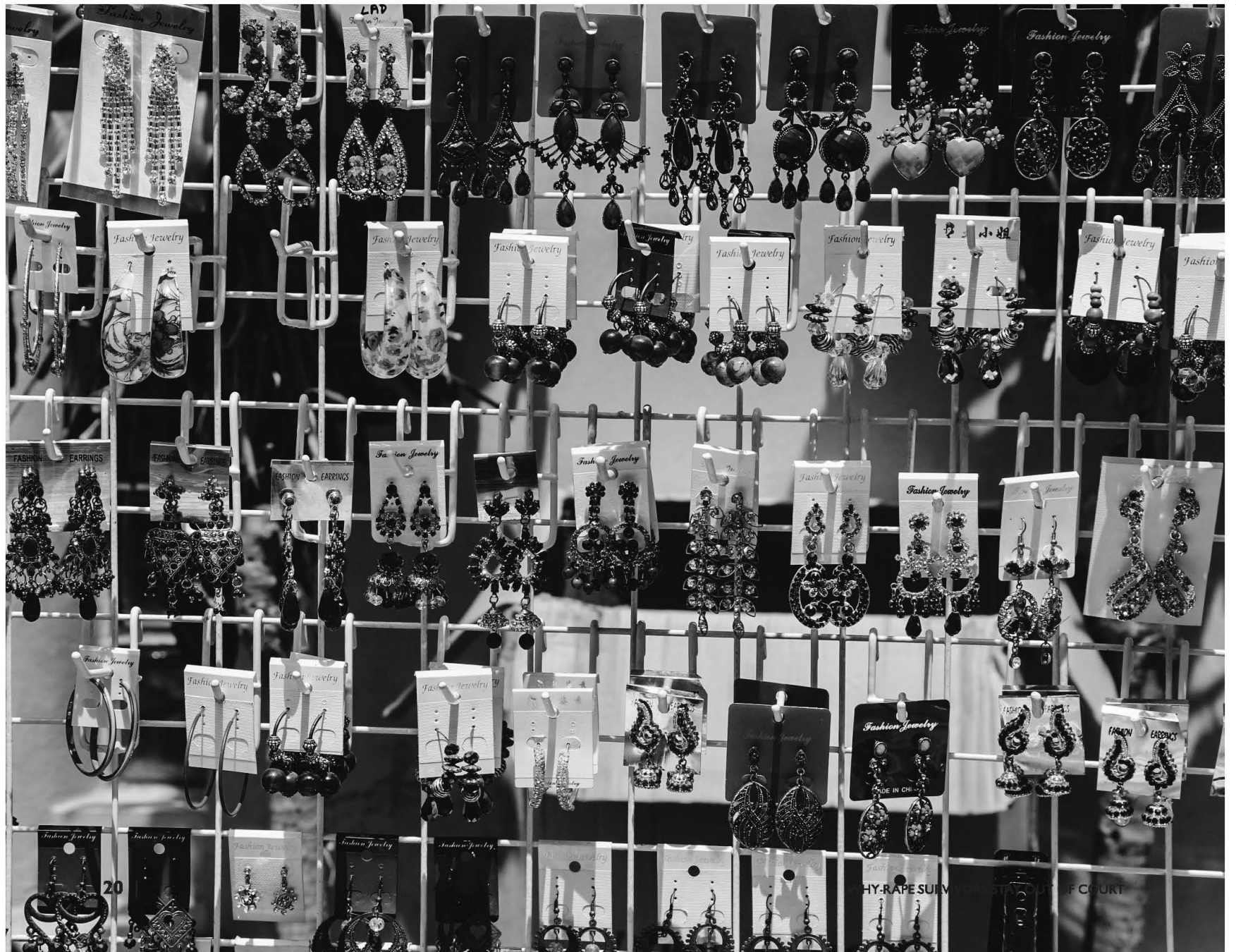
A few months ago, she had begun chatting with this man, Zamir, on Facebook after he had sent her a friend request. Coming from a conservative family and educational background, she never got the chance to interact with unrelated members of the opposite sex and private messaging on social media came as a new experience to her. Therefore, in the security of her locked room and pass-code protected cell phone, she found her late night conversations with Zamir becoming increasingly frequent. Eventually text messaging led to phone calls and exchanges of photographs. Finally, after a whole month of speaking online and on the phone, the two decided to meet in person at Potuakhali bridge in the

afternoon. Jonaki sneaked out of her house but planned to slip back in by dusk, before her brothers returned home.

After spending an hour or so chatting and loitering around, Zamir said he wanted to take Jonaki to his aunt's house to visit. Jonaki was slightly hesitant since she wanted to go back home before sundown but Zamir was being very insistent and reassured her that since the house was very nearby, she could still go back home in time. She eventually agreed and the two got on a rickshaw. As the ride to a supposedly nearby place took longer than anticipated, Jonaki kept asking how much more time it would take them to reach their destination but was met with curt and vague answers. Finally, the rickshaw came to a halt outside a shoddy building, which to Jonaki seemed largely desolate. She grew quite apprehensive but Zamir kept on gently yet assertively reassuring her and took her inside, hand in hand. Inside the building, they went up a couple of floors and entered a dark, empty room. It was then that Jonaki understood that Zamir just wanted to go someplace private under the pretext of going to his aunt's house. At this point in the narration, Jonaki stopped and said '*amar shathe tarpor o sharirik shomporko korse*' ('Then he had sexual intercourse with me.') and went on with the story.

By then it was already evening and Jonaki realised she had violated her curfew. She felt unsafe travelling alone after dark and was not wholly confident about knowing her way back, so Zamir volunteered to take her back to her home and the two boarded a CNG. After an hour or so, the CNG stopped a safe distance away from Jonaki's house and the two were





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exchanging goodbyes when, much to Jonaki's dismay, her elder brothers who were already outside looking for their sister, spotted them.. They suspected the worst and pulled Zamir out of the CNG and forcefully restrained him, holding him responsible for enticing their sister to engage in immoral activities. They gave Zamir a thrashing and afterwards kept him locked up overnight to teach him a lesson. Afterwards, the brothers forbade Jonaki to speak to the man ever again.

Jonaki did not mind the restriction, as she herself had stopped responding to Zamir's messages and calls. reaction to her silence, he began opening the fake accounts and commenced the cyber harassment and said he would only stop once Jonaki resumed her relationship with him. However, Jonaki's parents had already found her a suitor and she was willing to go ahead with the marriage.

The first thing Rahima asked Jonaki after she finished narrating her story is whether or not she had consented to the sexual intercourse with Zamir (*'tomar ki mot chilo?'*), to which Jonaki responded that no she had not (*'na chilo na'*). Rahima took a deep breath and then tried to explain to Jonaki that aside from the cyber harassment (as serious as it may be), Zamir had committed a much graver and heinous offence against her: that of rape. Jonaki disagreed and said that while he did use force against her when she did not want to have sexual intercourse, she herself had agreed to meet him in and go inside a building with him and therefore she would not term it as rape.

Rahima realised that rape myths were so pervasive that Jonaki herself could not appreciate that she had been raped by Zamir on their date. She did not seem to understand that her decision to meet and accompany him to the building did not mean that she had consented to having sexual intercourse with him. After Rahima explained the matter to her and reassured her that rape was never the victim's fault, Jonaki thought she was just digressing. It did not matter whether she had been raped because even if she were, she would never even think of mentioning this to anyone, much less taking legal action about it. She was well aware that as soon as she made mention of the incident, society at large would label her as the 'immoral' girl who went out on a date with a man she met online alone and therefore essentially had brought the rape on herself. Such stigma and humiliation was the last thing Jonaki needed at the moment, since if the suitor's family caught wind of this incident they would undoubtedly cancel the marriage. Thus, she was simply not interested in receiving any legal advice on rape, she only wanted to know what could be done to stop the cyber harassment, so she could put this chapter behind her and proceed with her marriage unhampered.

Rahima then gave her a brief overview of the legal framework on cyber harassment of girls and referred her to the Victim Support Centre, Dhaka Metropolitan Police and gave her the necessary contact details. Rahima tried to broach the topic of rape again but before she could, Jonaki cut her off, thanked Rahima for her help and left.

ALEYA

Aleya worked as a sewing machine operator at a ready made garment (RMG) factory. One evening, while working the night shift, Aleya was summoned by Riaz and Mahtab, her line supervisors. When Aleya went to speak to them, the two men dragged her into an unoccupied room in the factory, shut the door behind them and raped her. Aleya fought to escape, and when she finally broke free, she immediately went to the office of the Deputy General Manager (DGM) to lodge a complaint. Hurt and incensed, Aleya described how her supervisors had forced themselves on her and demanded that the factory authorities take steps against Riaz and Mahtab. The DGM promised that he would look into the matter and assured Aleya that the two men would be punished for their actions.

Aleya went home that night hoping she would never have to see Riaz and Mahtab again. She continued her work at the factory, believing that the authorities would take steps to ensure that she was not subjected to further sexual violence. However, Riaz and Mahtab were still coming in to work every day, and Aleya's complaint against the two men appeared not to have resulted in any penalty or disciplinary action. Aleya went to meet the DMG again. This time, she was no longer greeted with reassurances; instead, Aleya was threatened with loss of employment and physical harm if she pushed the matter further. When she protested, Aleya was sent on forced leave.

Aleya lived with her husband, Firdous, and fellow workers at a neighbourhood in the vicinity of the factory. Word of the rape and the factory's authorities' subsequent actions began to spread, and Aleya's co-workers at the factory united in protest.

They staged a demonstration outside the factory, demanding Aleya's reinstatement and punishment for her rapists, while factory management tried to keep Riaz and Mahtab safe and out of reach of the protesters. This attracted media personnel to the scene, and the Industrial Police eventually arrived. Police went to meet with Aleya and Firdous, and Aleya informed them about the gang rape, the factory's lack of measures to penalise the supervisors, and the subsequent threats and forced leave. Faced with pressure from the workers and community members who had joined them, the factory management had to release the two men to the police, who arrested them and drove them to the police station. Aleya and her husband also went with them.

At the police station, while Riaz and Mahtab were locked up in police custody, Aleya and Firdous waited to file a complaint, but this was delayed and the couple had to spend the entire night at the station. The next morning, factory management representatives arrived bearing money. They offered Aleya Taka 2.5 lakhs to settle the matter out of court, requesting her not to pursue legal action against Riaz and Mahtab. Alia and Firdous refused to accept the money. They were unwilling to compromise with Aleya's right to legal redress for being raped, and eventually managed to file a case against the two men.

The factory authorities continued to pursue Aleya to reach a settlement. They called upon her to sit in a community shalish and kept offering her money. However, Aleya had made up her mind and could not be swayed; Firdous extended his complete support to his wife's decision to proceed with litigation. The





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factory authorities then tried a different tactic to pressurise Aleya and Firdous to back down. They had good ties with local residents in the area since the factory was very close to neighbourhood. Using their influence in the area, they managed to convince the couple's landlord to confine Aleya and Firdous to their house. The landlord complied, and for days, Aleya and Firdous were under lock and key and strict vigilance.

Tapan, a paralegal, reading about the workers' protest on the news, went to the area to investigate, hoping to speak to Aleya about the matter. However, their access to Aleya's house was obstructed by some community leaders who had been won over by the authorities of the RMG factory. They were unwilling to reveal Aleya and Firdous' whereabouts, and were not particularly forthcoming about all that had transpired over the days past, advising Tapan to leave the matter to rest instead. The factory authorities had also employed henchmen to stand guard around Aleya's house, and these men made threats: "*Jei ashbe tar gola kete dibo*" ("We will slaughter whoever tries to seek entry"). Consequently, workers' groups, who had previously been vocal in their protests, were subdued and chose to keep quiet about the incident.

For two days, Tapan tried, and failed, to get access to Aleya's house. On the third day, the opportunity to enter the premises finally arose when the landlord left the building for a few hours. In his absence, Tapan down with Aleya and Firdous and spoke to Aleya about her ordeal. He listened to her as she recounted the rape, and what had followed afterward. She no longer had an income, Firdous was unable to go to work due to their confinement, and she did not know how to continue with the case. Tapan counselled the couple, explaining the importance of seeing this case through, of seeking justice for

the wrongs Aleya had suffered, and told them that BLAST could provide them with legal assistance to run the case. Resolve strengthened anew, the couple agreed to let BLAST lawyers take over the case and help Aleya to get justice. They also agreed to come to BLAST's office the following day to file an application for legal aid.

However, Aleya and Firdous never showed up as arranged. Tapan dialed Aleya's mobile phone number, but could not get through. He called again to follow up but her phone went unanswered. He went back to her house, but this time, the landlord was present and blocked his way. Tapan explained that he was only there to assist Aleya, and landlord said that they would talk to the factory authorities about this, refusing to let him meet Aleya. The landlord, Tapan later found out, had snatched both Aleya and Firdous' phones. He also put into Firdous' mind the fear of losing respect in the community if word of his wife's rape spread further, and also of the consequences of challenging the influential factory authorities, aiming to dissuade the couple from proceeding with their case in court. Concerned, Firdous began to change his mind, and reached out to Tapan, telling him to stop bothering them as they were no longer interested in litigation.

Fortunately, Aleya stepped in. Finally getting her phone back a few days after Firdous had spoken to Tapan, she immediately contacted Tapan and apologised for Firdous' lack of composure in the face of adversity. She confirmed that she still wanted to go ahead with the case and agreed to sign the application which would formally allow BLAST to take over her case. Accordingly, Tapan brought the paperwork to Aleya's house, again in the absence of the landlord, and Aleya signed the application, and a BLAST staff lawyer was assigned to her case.



RANI

That morning, Rani had gone to the bazaar as always, ready to begin cooking for her first round of hungry customers. Rani worked the early-morning shift as a part-time cook in a restaurant at the bazaar. On her way to the restaurant, she was stopped by Farid, a shopkeeper next door, who beckoned to her to come by. Farid had previously followed Rani around, trying to engage her in conversation, but Rani had never shown much interest. When she stopped to speak to him that morning, Farid grabbed her by the arm and forcibly dragged her into his shop. He then raped Rani.

Rani chose to keep this matter silent, informing no one of what had transpired. She became very unwell, however, and when her fever would not subside, her family called the doctor in. Upon examining Rani, the doctor noticed signs of injury on her body. She asked if Rani had taken a fall or suffered an accident. Rani could no longer keep mum. Weeping incessantly, she revealed to her mother how Farid had abducted her and raped her.

As word spread in the community, Rani's father went to speak to the Union Parishad chairman, and a local shalish was arranged. Rani's father participated in the shalish, as did Farid's

father, who was a local influential leader himself, and other community elders. Mustering up his courage, Rani's father threatened to file a case against Farid. Community leaders intervened and decided that Farid should pay Taka 40,000 to Rani's father as compensation for expenses incurred in relation to his daughter's treatment, thus dissuading him from taking the matter to court. Subsequently, Farid's father handed over the settled amount to the community leaders who had presided over the shalish; however, Rani's father received only Taka 14,000 out of the total amount. He never received the rest of the money, nor was he assisted in any way while Rani underwent medical treatment.

Tapan, a paralegal working in the area, heard about the incident and approached Rani's father. He tried to make him realise the importance of taking legal action to ensure justice for Rani, inviting him to visit BLAST's office to take the necessary measures. However, the old man never pursued legal action nor did he come to BLAST to seek any assistance. Fear of loss of his daughter's prospects for marriage, fear for his daughter's safety, and fear of stigma, held him back.

NAIMA

It was a mid-afternoon in the heart of winter, and Naima's father had just returned home from work. He laboured in the fields all day, and came home parched and exhausted, aching all over. Shireen, Naima's mother, had asked her to fetch some water for him to drink, from the tube well just down the road from their house, and so Naima set off, empty pitcher in hand. When Naima reached the tube well, there was no one around. As she set about hoisting the pump to lift the water, Bashir, their 60-year-old neighbour and also a distant relative whom Naima used to call dada (grandfather), came up behind her. Unwinding a gamchha (cotton towel) from around his neck, he used it to blindfold Naima and dragged her into his house next door, which was empty, and raped her. Afterwards, Bashir held a cleaver to Naima's neck and threatened to take her away from Shireen and kill her if she ever disclosed the incident to anyone.

Naima, who was only fourteen at the time and could barely form full sentences due to her intellectual disability, was distraught. Afraid of being separated from her mother, the child told no one about the details of that afternoon. Bashir began to drop by Naima's house regularly and under the pretext of sharing a round of paan and conversation with the

family elders, kept watch over her, making sure Naima did not tell anyone about the incident. Unable to understand why Bashir had hurt her so, unable to appreciate the gravity of the violence she had been subjected to, and shaken from the trauma and fear, Naima began to retreat into herself and rarely went out to play.

Shireen felt that something was amiss when Naima, who had recently started menstruating, missed three consecutive periods. Shireen also noticed that her stomach had begun to swell. Concerned, she took her to see a doctor, and learned that her daughter was pregnant. Shireen was shocked, but the doctor advised her to speak to Naima and ask her if there was anything she wanted to share with her mother. When they went back home after the trip to the doctor's, Shireen was very anxious. She began to question Naima, and soon learnt that Bashir had abducted and raped her and consequently impregnated her. Naima had finally revealed everything to her mother.

Naima's parents brought the matter to the attention of the local Union Parishad (UP) chairman. A shalish (traditional mediation/village arbitration session) was arranged, and Bashir, who wanted Naima to undergo an abortion, offered





a significant sum of money to the UP chairman to earn his support and secure a settlement that was favourable to him. Using his political influence in the area and his financial status, Bashir was able to convince the chairman to offer a part of that money to Naima's family to ensure that they kept the matter silent, but Naima's family refused. This spelled trouble for the family, as the chairman and his followers then began to harass them. Naima was by then five months pregnant, and her parents found the prospect of taking the matter to court daunting. Constantly harassed by the chairman's followers and unhappy with the unfair outcome of the shalish, they did not know what to do. An acquaintance then advised Naima's parents to visit the One-Stop Crisis Centre (OCC) at the Khulna Medical College and Hospital for assistance.

The OCC connected Naima's parents to representatives of the Women With Disabilities Foundation (WWDF), who were then in Khulna on a routine visit. WWDF was ready to assist the family, but there was little to do at that point than to wait for Naima, whose pregnancy was too advanced, to deliver the baby. While the family waited, WWDF reached out to BLAST's District Office in Khulna and requested BLAST to take on Naima's case. With BLAST's intervention, Shireen was able to successfully file a case against Bashir, who was arrested.

Denied bail, Bashir has been in jail for over a year. Naima gave birth to a baby boy, who was placed in a government shelter and subsequently passed away in his infancy due to health complications.

BITHEE

Bithee was waiting for her boyfriend, Polash, at the water's edge. Bithee and Polash lived in neighbouring shanties at an informal urban settlement in Dhaka. Growing up friends, they had started a relationship recently, and every evening, as they met by the lake bordering the slum and watched the bridge across the lake light up in dazzling colours as dusk set in, Bithee fell a little more in love.

That evening, Bithee was kept waiting longer than usual. She did not mind as she watched the sun sink slowly beyond the horizon, but hoped Polash would join her soon. When Polash finally arrived, he was not alone. Accompanied by a group of friends, Polash strolled into their usual meeting spot. Bithee was happy to see him as he approached her, but before they could exchange words, Polash grabbed Bithee by the arms and began to drag her away. Bithee, completely unable to foresee anything that would follow, asked Polash if everything was alright even as he started to march her away, deeper into a thicket of trees. Polash's friends, one of whom had a video recorder, followed and Bithee was soon surrounded by a group

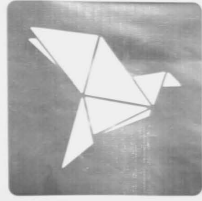
of men whose intentions she had just begun to understand. Polash and his friends proceeded to rape Bithee that night, and the incident was recorded.

Soon after the gang rape, everyone in the community began to talk about it. Bithee, who was in severe emotional trauma at this grave betrayal of trust by a person she had come to love, could hardly say anything. She had disclosed the matter to her family members right after the rape, and now her family wanted justice. They brought this to the attention of community elders, who decided that a shalish should be arranged right away. At the shalish, Polash and his friends offered Taka 1.5 lakhs to Bithee's family, in the hopes that they would not take legal action. The family accepted the money and Bithee was sent back to her ancestral home in the village.

Nobin, owner of a corner store in the slum, observed all of this and felt that justice had not been done. Angered at the unfairness that Bithee had been dealt, he decided to consult Ananya, a paralegal who worked in the area. When Nobin informed Ananya of the gang rape and the subsequent



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WHY RAPE SURVIVORS STAY OUT OF COURT

settlement through shalish, Ananya decided to reach out to Bithee's family to encourage them to seek legal redress. Upon Ananya's advice, Nobin also spoke to Bithee's father, trying to convince him to seek legal assistance for Bithee.

After much insistence, Bithee's father agreed to come to BLAST's hub in the slum. Ananya spoke to him, explaining the merits of filing a complaint for the wrong that had been done to his daughter, and assured him that BLAST would provide the family with legal aid to fight for Bithee if they chose to take this to court. For days, Bithee's contemplated the notion of filing a case and seeking justice. He was almost convinced by the legal advice he had received from Ananya; he could not bear to see his daughter so lonely and distraught, far away from home, while her rapists walked the streets, unperturbed.

He knew that punishment for her rapists was perhaps the only thing that could begin to bring some semblance of comfort into Bithee's life. But concerns about social stigma, the reproachful eyes of neighbours, and the 'taint' upon his daughter's 'honour' and the family reputation that would follow should he go to court, held him back. His reluctance won over, and he never got in touch with Ananya to pursue legal action.

Bithee's father subsequently told Nobin, '*Meyer ijgot o bachlo, meyeta jonno ami kichhu takao pelam, ei taka diyei akhon meye ta ke biye dawa jabe*' ('My daughter's honour is saved, and I've also received some money for her out of all of this. We can now use this money to marry her off').







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